

March 26, 2002

Exemption No. 7135A
Regulatory Docket No.FAA-2002-11509

Mr. John A. Bedson
Senior Vice President, Air Operations
Atlantic Southeast Airlines, Inc.
100 Hartsfield Centre Parkway, Suite 800
Atlanta, GA 30354-1356

Dear Mr. Bedson:

By letter dated February 6, 2002, you petitioned the Federal Aviation Administration (FAA) on behalf of Atlantic Southwest Airlines, Inc., for an exemption from §§ 121.434(c)(1), 121.440, and 121.463 (a)(2) of Title 14, Code of Federal Regulations (14 CFR). The exemption, if granted, would permit observations and flight checks to be accomplished in an approved simulator or by qualified and authorized check airmen rather than an FAA inspector.

The FAA issued Exemption No. 7135 to ASA in March 2000. The exemption allows ASA to substitute a qualified and authorized check airman in place of an FAA inspector, required by § 121.434, to observe a qualifying pilot in command (PIC) who is completing initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing. However, the FAA stipulated in the exemption that a percentage of the experience observations must be accomplished by an FAA inspector. Because the recent request for relief would temporarily expand the scope of this exemption to include dispatchers and provide further relief from requirements for FAA inspector observations, the FAA is considering this request as an amendment to Exemption No. 7135.

The petitioner's request was prompted by recent amendments adopted to further enhance air carrier security in response to the heightened threat to U.S. civil aviation. Special Federal Aviation Regulation 92, as amended, provided temporary relief from certain airworthiness standards so that security enhancements could be made as quickly as possible. The SFAR allowed operators to quickly modify the flightcrew compartment

AFS-02-180-E

door to delay or deter unauthorized entry to the flightcrew compartment. Among other requirements, the action requires certain airplanes that have a door between the passenger or other occupied compartment and the pilot compartment be equipped with an internal locking device installed, operative, and in use.

As a consequence of this provision, the cockpit observer seat on certain airplanes cannot be used because the location and use of the seat prevents sealing off the cockpit from the cabin. The cockpit door is normally open on airplanes such as the EMB-120 operated by ASA enabling an FAA inspector or check pilot to observe a qualifying pilot-in-command in the performance of duties. Without access to the observer seat, line observations and checks cannot be accomplished in the airplane.

The FAA recognizes the EMB-120 airplane is the only transport category airplane used in 14 Code of Federal Regulations part 121 operations that has an observer seat that requires the door to be opened and unlocked when occupied. The petitioner seeks temporary relief from certain checking and observation requirements until its EMB-120 airplanes are modified to meet the long-term standards for doors contained in Amendment 121-288 that supersede the short-term SFAR requirements or until April 9, 2003, whichever occurs first.

As an alternative, the petitioner suggests use of a simulator to meet certain dispatcher operating experience observations and certain pilot line checks that are normally accomplished through the use of the observer seat. The FAA has determined that line checks must be conducted in the actual aircraft to observe line operation practices. This function may be accomplished by a designated Line Check Airman occupying a pilot seat. Similarly, to meet aircraft dispatcher qualifications the dispatcher must observe the actual line operations. This function may be accomplished in the ATR-72 in lieu of the EMB-120 – both are Class I turbopropeller airplanes.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Atlantic Southeast Airlines, Inc., is granted an exemption from 14 CFR § 121.434(c)(1)(ii) to the extent necessary to permit Atlantic Southeast Airlines, Inc., to substitute a qualified and authorized check airman in place of an FAA inspector as required by § 121.434 to observe a qualifying pilot in command who is completing initial or upgrade training specified in §121.424. This exemption is subject to the following conditions and limitations:

1. Each check airman performing the duties otherwise appropriate to an FAA inspector, under this exemption must—
 - a. Be an employee of ASA;

- b. Be qualified and current in the duties of the PIC in the aircraft being operated;
 - c. Be approved by the FAA Aircrew Program Manager; and
 - d. Have been employed by ASA as a check airman for a minimum of 6 months.
- 2. ASA must submit and have approved by its FAA principal operations inspector (POI), in a letter of approval, the name of each check airman to be used under this exemption before this use occurs.
- 3. For each observation conducted under this exemption, ASA must contact its POI or the POI's designated representative. After 1 or more of the EMB-120 airplanes flight deck doors have been modified to allow closing and locking of the door with the jump seat occupied, no observation may be conducted under this exemption unless the FAA determines there is not an FAA inspector available to observe the affected operation and so informs ASA.
- 4. The check airman observing the qualifying pilot must be other than the check airman conducting the operating experience flight.
- 5. Each operation conducted under this exemption must be recorded in ASA's approved training records.
- 6. No observations may be conducted under this exemption until the qualifying PIC has completed the minimum number of hours specified in § 121.434(c)(3).
- 7. All required operating experience observations may be accomplished by a qualified and authorized check airman. This condition terminates after April 8, 2003.
- 8. After April 8, 2003, under this exemption, no more than 50 percent of the required operating experience observations may be accomplished by a qualified and authorized check airman rather than an FAA inspector during any 6-month period.
- 9. After April 8, 2003, ASA must submit a training schedule in written form to its POI that includes the date(s) of each observation to be conducted under Section 121.343. This training schedule must be submitted at least 20 days before any observation.

10. ASA must maintain the records necessary to demonstrate compliance with the conditions and limitations of this exemption.

This exemption terminates on March 31, 2004, unless sooner superseded or rescinded.

Sincerely,

/s/ Louis C. Cusimano
Acting Director, Flight Standards Service

AFS-02-180-E (Docket No. FAA-2002-11509)

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